



Metropolitan Police Department
Office of Professional Responsibility
Civil Rights & Force Investigations Division
MOA Compliance Monitoring Team



Metropolitan Police Department
and
U. S. Department of Justice

Memorandum of Agreement
Progress Report



January 7, 2003

It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error. – Justice Robert H. Jackson

Introduction

In January 1999, Chief Ramsey and District of Columbia Mayor Anthony Williams asked the United States Department of Justice to review the Metropolitan Police Department's (MPD) practices as they related to police use of force. In March 2001, the U.S. Department of Justice (DOJ) concluded its review, and later entered into a Memorandum of Agreement (MOA) with the District of Columbia and the Metropolitan Police Department. The Agreement built upon the work MPD started during the course of the review, and provided that an Independent Monitor would evaluate the implementation of the Agreement. When the balance of the reforms contained in the Agreement are implemented, the Metropolitan Police Department will be a model for the nation on how to uphold the rule of law while using force only when and to the extent necessary.

The Metropolitan Police Department is extremely pleased with the progress made during this reporting period. Primarily, the Metropolitan Police Department saw the distribution of a plethora of DOJ-approved, reengineered use-of-force related policies and procedures.

This progress report is the fourth submitted by the Department's Compliance Monitoring Team (CMT). The Compliance Monitoring Team, part of the Office of Professional Responsibility, was created by Chief of Police Charles H. Ramsey to ensure the timely implementation and compliance of the Memorandum of Agreement. This quarterly report reflects MPD's Memorandum of Agreement activity from October 1, 2002, through December 31, 2002.

MPD's quarterly reports are required by the Memorandum of Agreement, and have been designed by the MPD to share its MOA related activities not only with the U.S. Department of Justice and the Independent Monitor, but also throughout the Metropolitan Police Department and the citizenry at large. Furthermore, there is an addendum to this quarterly report that lists all of the MOA's paragraphs and the status of each item.

The Metropolitan Police Department is extremely pleased with the progress made during this reporting period. Primarily, the Metropolitan Police Department saw the distribution of a plethora of DOJ-approved, reengineered use-of-force related policies and procedures. Accompanying the distribution of these policies were various activities related to the implementation of the new policies.

The Metropolitan Police Department has submitted additional deliverables, revised draft policies and procedures, automated its Use of Force Incident Report, engaged in a series of internal and external communication activities, improved MOA-related training, involved command staff in MOA-related issues, enhanced its website, enhanced its use of force investigations, developed a new Canine Operations Manual, enhanced its Field Training Officer Program, enhanced its Performance Evaluation System, conducted briefings for the Office of the Independent Monitor, and hosted representatives from the City of Cincinnati to discuss MOA-related best practices.

During the previous quarter, MPD and the Department of Justice had negotiated various modifications of the Memorandum of Agreement in which MPD was discharged from its breach status. This quarter, MPD and DOJ have worked closely to renegotiate provisions of the Personnel Performance Management System (PPMS), and it is anticipated that new timelines will be approved in the next quarter.

The MPD Institute of Police Science (IPS) has implemented and enhanced its FY2003 annual in-service training program, and has received feedback from the OIM and DOJ on the training and related lesson plans.

Finally, the Independent Monitor and his representatives have continued to examine various aspects of the MPD in order to document the Department's progress in MOA related areas. The Metropolitan Police Department is proud of its recent Memorandum of Agreement compliance efforts, and is confident that MPD is well on its way to becoming a model for the nation on how to uphold the rule of law while using force only when and to the extent necessary.

This quarter, MPD and DOJ have worked closely to renegotiate provisions of the PPMS, and it is anticipated that new timelines will be approved in the next quarter.

Compliance Monitoring Team

The Compliance Monitoring Team (CMT) was created by Chief of Police Charles H. Ramsey to ensure the timely implementation and compliance of the Memorandum of Agreement (MOA). The CMT falls under the Civil Rights & Force Investigations Division, located within the Office of Professional Responsibility.

The Compliance Monitoring Team has been engaged in numerous activities during this reporting period, coordinating a range of Memorandum of Agreement compliance efforts. Members of the Compliance Monitoring Team were also actively negotiating PPMS-related modifications of the Memorandum of Agreement with the Department of Justice.

The Compliance Monitoring Team has increased its efforts on implementation of the seminal use-of-force related policies and procedures. Further, members of the CMT have participated in various activities to ensure MPD's MOA-related compliance.

The CMT has continued to provide support to various Department elements to assist them in completing MOA deliverables, and facilitate compliance documentation. In addition, the CMT has established itself as the central repository for MPD's Memorandum of Agreement documents, and has been documenting and transmitting draft policies and other deliverables to DOJ and the Office of the Independent Monitor (MOA Paragraph 173).

The CMT has facilitated video-teleconferenced roll-call sessions, the production of two informational videos, and has hosted representatives from the City of Cincinnati.

Moreover, the CMT has been actively involved in both internal and external MOA-related communication efforts. The CMT has facilitated video-conference roll-call sessions, the production of two informational videos, and has hosted representatives from the City of Cincinnati.

The Compliance Monitoring Team continues to provide assistance to the MPD Office of Labor Relations regarding the unfair labor practice complaint filed by the Fraternal Order of Police concerning the MOA. Further, a member of the CMT will be part of the upcoming labor contract negotiations.

The Compliance Monitoring Team saw the departure of Ms. Catherine Botts. Ms. Botts, who formerly had been the Staff Assistant to the Executive Assistant Chief of Police, joined the CMT in June 2002. However, during this quarter, Ms. Botts received a promotion, and was reassigned to the Department's Human Services Division.

The Compliance Monitoring Team Executive Committee met on Wednesday, October 16, 2002. The Executive Committee consists of executive-level members of the Metropolitan Police Department and the City. Executive Committee members have ultimate responsibility to ensure that various aspects of the Memorandum of Agreement that fall into their responsibility area are met.

The CMT has also continued to monitor costs associated with the Office of the Independent Monitor, and maintained its relationship with the D.C. Office of Contracting and Procurement to ensure accountability.

Finally, in a continuing effort to inform the Department of Justice, the Office of the Independent Monitor, the members of the MPD, and the citizenry about the individuals who are working on the MOA project, each progress report contains a brief biography of a Compliance Monitoring Team member. This quarter's report features Lieutenant Linda Nischan.

Learn more about CMT member **Lieutenant Linda Nischan**

Lieutenant Linda Nischan began her government service as a civil employee at the National Institutes of Health, National Cancer Institute. She continually sought ways to improve herself and her work product, and worked her way up five grades before leaving NIH to pursue her dream of becoming a police officer. She has worked her way up through the ranks of MPDC as well, through her dedication to excellence after joining the department in 1985. Linda was a tactical unit patrol officer in the 2nd District with the task of patrolling high crime areas, observing crimes in progress through surveillance operations, and immediately apprehending law violators. Her unit was very successful and had a good reputation with the citizens for exemplary police work. She was so inspired by the work of the MPD leadership that she studied hard and earned promotion to Sergeant in 1994. Linda was assigned to the 4th District Patrol unit, and soon she was appointed as a Vice Unit Sergeant, supervised a squad of vice officers, and made numerous arrests for narcotics violations. In 1997, by using her highly developed tactical skills, she commanded the rapid apprehension of Master Patrol



Officer Brian T. Gibson's assassin. Due to her cool head and the superb police work of Linda and her team, the case was successfully prosecuted and the perpetrator received a life sentence without parole. For this work, she was recognized by the DOJ with a Meritorious Service Award and by the Metropolitan Police Department with a Bronze Medal for Meritorious Service. Later in 1997, she was transferred to the Disciplinary Review Division, where she became proficient in labor relations issues. In 1999, she earned promotion to Lieutenant, and soon after was assigned as the Operations Lieutenant for Internal Affairs in the Office of Professional Responsibility. For her high quality of work, she has received numerous other awards, citations and letters of appreciation from all levels of the department and from the citizens.

Lieutenant Nischan brings to the team her thorough insider knowledge of law enforcement officer job performance and management. She was the department's liaison to the Use of Force review project, responsible for coordinating all requests from the Justice Department on use of force items, including police-involved deadly force incidents. She is a member of the leadership group of the Compliance Monitoring Team, and is currently working on the selection and development team for the Personnel Performance Management System (PPMS).

Lieutenant Nischan's efforts led to the historic Memorandum of Agreement between the District of Columbia, the Metropolitan Police Department, and the Department of Justice, for which she received a Medal of Achievement from the MPD for her hard work. The high quality of the output of her workgroup was achieved through effective communication and quality control expectations that she conveyed to members of her team through training and development. She has set up systems to track and report the exact stage and status of investigations so that they can be complete and timely. She is monitoring the information gathered with the Performance Assessment Management System (PAMS).

Linda is a life-long area resident originally from Montgomery County, Maryland.

She has constantly worked to improve herself by completing extensive training including MPD's front-line and mid-level management courses and both basic and advanced Police Executive Development programs through Penn State University. She is currently enrolled in the Certified Public Manager Program at the Center for Excellence in Municipal Management, George Washington University.

Linda is married to her best friend, a retired MPD Detective, and lives outside Annapolis, MD.

General Orders and Policies

In the previous quarter, the U.S. Department of Justice approved several seminal use-of-force related policies. They included:

- Use of Force (MOA Paragraphs 37-40)
- Use of Force Investigations (MOA Paragraph 53)
- Use of Force Incident Report (MOA Paragraph 53)
- Handling of Service Weapons (MOA Paragraphs 41 and 43)
- Canine Teams (MOA Paragraphs 45 and 46)
- Oleoresin Capsicum Spray (MOA Paragraphs 47-50)
- Force Related Duty Status Determination
- Carrying Weapons and Transporting Prisoners Aboard Aircraft

In October 2002, the Metropolitan Police Department began the implementation of these new policies. The MPD Reproduction Copy Center printed over 575,000 pages of new policies and procedures for distribution throughout the Department. This immense endeavor was made possible by the incredible hard work of the following members of the Reproduction Copy Center staff; Ben Dowdell, Christopher Hughes, Tom Massey, Greg Johnson, Thomas Shade, and Marion Wimbush. The copies were sorted and bundled prior to distribution.

The new policies were accompanied by a Department informational Circular that introduced the new policies to members. In addition, the MPD engaged in a series of activities to further inform members of the Department of the new policies. They included the distribution of a video, announcements in *The Dispatch*, the Department's newsletter, as well as Question & Answer sessions at training and roll calls. These activities are discussed in more detail later in this report.

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Pending Reengineered Policies

During this reporting period, the Metropolitan Police Department and the U.S. Department of Justice exchanged a variety of detailed correspondence concerning numerous draft Department policies and procedures. They are listed in order of last activity unless otherwise noted. A status matrix containing all of the MOA paragraphs is submitted as an attachment with this report.

The Metropolitan Police Department submitted a draft *Citizen Complaint General Order* (MOA Paragraph 94) to DOJ on October 4, 2002. DOJ replied with detailed comments

on November 25, 2002. MPD forwarded the draft to the District of Columbia Office of Citizen Complaint Review on December 27, 2002. Following a review of those comments and completion of revisions, MPD will resubmit the draft to the DOJ.

The Metropolitan Police Department submitted a draft *Enhanced Field Training Officer Program Protocol* (MOA Paragraph 121f) to DOJ on December 6, 2002.

The Metropolitan Police Department submitted a draft *Office of Internal Affairs Operational Manual* (MOA Paragraph 72) to DOJ on July 26, 2002. DOJ replied with detailed comments on October 17, 2002. MPD submitted a revised draft to DOJ on December 3, 2002.

The Metropolitan Police Department submitted a draft *Canine Operations Manual* to DOJ on November 27, 2002.

The Metropolitan Police Department submitted a draft *Serious Misconduct Investigations General Order* (MOA Paragraph 72) to DOJ on July 23, 2002. DOJ replied with detailed comments on September 13, 2002, and MPD submitted a revised draft to DOJ on November 22, 2002.

The Metropolitan Police Department submitted a draft *Use of Force Review Board General Order* (MOA Paragraph 67) to DOJ on June 6, 2002. DOJ replied with detailed comments on July 1, 2002. A series of e-mails were exchanged regarding the order, and a meeting was held with DOJ on August 2, 2002, that included this issue on the agenda. DOJ sent further detailed comments on September 26, 2002. MPD forwarded a revised draft to DOJ on November 22, 2002.

The Metropolitan Police Department submitted a draft *Enhanced Performance Evaluation System Protocol* (MOA Paragraph 118) to DOJ on November 8, 2002.

The Metropolitan Police Department submitted a draft *Chain of Command Misconduct Investigations General Order* (MOA Paragraph 83) to DOJ on November 1, 2002.

The Metropolitan Police Department submitted the *Force Investigation Team Operational Manual* (MOA Paragraph 57) to DOJ on February 5, 2002. DOJ replied with detailed comments on August 12, 2002. MPD submitted a revised draft to DOJ on November 1, 2002.

The Metropolitan Police Department submitted a draft *Administrative Investigations Manual* (MOA Paragraph 83) to DOJ on October 25, 2002.

The Metropolitan Police Department submitted a draft *Specialized Mission Units General Order* to DOJ on October 4, 2002.

The Metropolitan Police Department submitted a draft plan for a *Community Outreach Program* for Filing Citizen Complaints to DOJ on September 27, 2002.

In addition, on November 27, 2002, MPD submitted a draft plan to comply with the requirements of MOA Paragraph 159. The plan involves limiting the number of hours an officer may work in any twenty-four hour period. The MOA notes that all parties acknowledge that the implementation of such a policy may consider any limitations related to labor agreements.

Accordingly, the first phase of the plan involved the creation of a working group headed by the Senior Executive Director of MPD's Office of Organizational Development, Nola Joyce. The group consists of representatives from various MPD stakeholders including the Directive Development and Accreditation Office, the Human Services Division, Operations Command, the Office of the General Counsel, and the CMT. The Work Group first met on December 11, 2002. The next scheduled meeting of the group is on January 13, 2002. A copy of the plan is submitted with this report.

MPD strengthened the connection between its MOA compliance efforts and its CALEA compliance efforts... in order to ensure compliance and avoid duplicative effort

Finally, MPD strengthened the connection between its MOA compliance efforts and its CALEA compliance efforts. On December 17, 2002, members of OPR (including the CMT) met with representatives of MPD's CALEA office, Mr. Gerald Griffin and Officer Wyseola Smith. The group discussed MPD's MOA-related activities in relation to CALEA compliance in order to ensure compliance and avoid duplicative effort. These meetings will continue during future reporting periods.

Timelines

In the previous quarter, the Metropolitan Police Department and U.S. Department of Justice negotiated new deliverable timelines and agreed to a modification of the MOA. The only remaining timeline issues to be renegotiated surround the Personnel Performance Management System (PPMS). Representatives from the CMT met with DOJ Attorneys and discussed PPMS-related issues on November 26, 2002. At that meeting, MPD provided DOJ with a status report regarding PPMS efforts. In addition, MPD agreed to submit a plan for the creation of the draft PPMS written protocol while efforts to develop the actual PPMS system progressed. The proposed plan was submitted on December 13, 2002 (a copy of the plan is submitted with this report).

Finally, MPD has been forced to delay its submittal of a draft *Disciplinary Policy* (MOA Paragraph 105). It is noted that the draft policy was due to DOJ during the renegotiated period of the week of November 17, 2002. However, following an internal distribution of the draft policy for comment, and upon receiving numerous responses, major issues were identified. MPD notified DOJ in writing on November 22, 2002 that it

would not meet the renegotiated deadline, and explained the delay. A copy of that letter is submitted with this report.

Moreover, the draft policy had also been forwarded to the Fraternal Order of Police (FOP) for comment. The FOP has indicated they have concerns with aspects of the draft order, and have formulated comments. The FOP has also requested a meeting with MPD Management to resolve several issues with regard to the order prior to the draft's submission to DOJ. On December 30, 2002, the MPD Office of Organizational Development (in consultation with the MPD Office of the General Counsel and the Compliance Monitoring Team) delayed submission of the order to DOJ. MPD had planned to submit its final draft to DOJ and have the submittal noted in this quarterly report. However, MPD believed that if substantive changes to the draft occurred after meeting with the FOP, the earlier submittal to DOJ would be of less value. It is anticipated that this draft will be submitted during the next quarter. DOJ was notified of these circumstances in a letter sent on December 31, 2002.

Use of Force Incident Report

The development and implementation of the Use of Force Incident Report (UFIR) has raised numerous issues for the Metropolitan Police Department. It is noted that a central issue that had delayed approval of some draft policies concerned the language associated with the UFIR. MPD and DOJ worked together to attain a compromise and developed mutually agreeable language. The following language was agreed upon and incorporated into several force-related general orders:

the UFIR form continues to raise concerns among the FOP and the rank and file. MPD has engaged in several activities to inform members about the form and its purpose

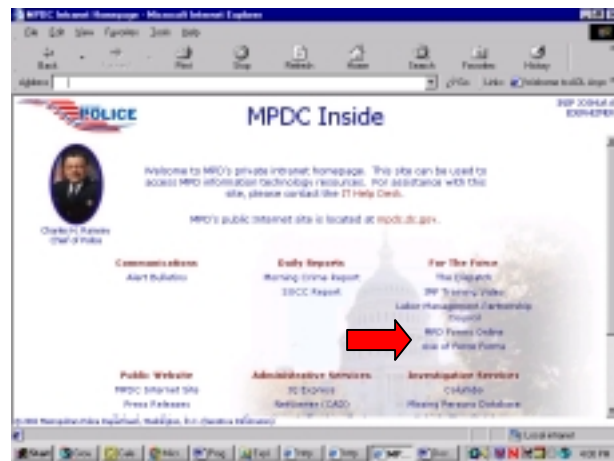
" In all uses of force requiring a Use of Force Incident Report, the member shall immediately notify his/her supervisor of the use of force, intentional or unintentional, exercised by the member, any accusation of excessive force made against the member, or immediately following the drawing of and pointing a firearm at or in the direction of another person, and shall promptly complete the Use of Force Incident Report. Members who decline to complete the Use of Force Incident Report immediately following the incident shall be compelled to complete the report following a declination by the U. S. Attorney's Office and/or issuance of an authorized Reverse-Garrity warning."

However, the UFIR form continues to raise concerns among the Fraternal Order of Police and the rank and file. MPD has engaged in several activities to inform members about the form and its purpose. Nonetheless, the UFIR form continues to be a volatile issue for the Metropolitan Police Department, and most members involved in a force incident (or a pointing of a firearm at a person) have declined to fill out the form until a declination is issued by the U.S. Attorney's Office for the District of Columbia (USAO).

In order to help allay members' concerns, MPD clarified with DOJ that the pointing of a weapon was not a use-of-force, but a *reportable action* that MPD wants to track. Further, on November 20, 2002, MPD submitted proposed revisions of the UFIR form to the DOJ. MPD had obtained feedback from officers that the form, particularly the layout, was complicated and confusing. MPD believed that such confusion contributed to officer frustration with the UFIR. As a result, MPD updated and reformatted the UFIR form, and submitted the proposed form along with a detailed explanation for each proposed change. A copy of the cover letter and proposed form have been submitted with this report.

Additionally, the Office of Internal Affairs is responsible for administering the Department's Performance Assessment Management System (PAMS) (also known as the CS System). OPR, in conjunction with the OIA, has prepared a teletype to the MPD Command Staff that provides instruction on how and what information must be registered with the PAMS system with specific instructions about the UFIR form and its internal reporting requirements. The teletype will be distributed during the next quarter. A copy of that teletype is submitted with this report.

Finally, in order to facilitate the completion of UFIR forms, MPD has been seeking to streamline and document a process in which the United States Attorney's Office for the District of Columbia can be consulted in an efficient manner. It is noted that in all *Serious Use of Force* incidents, as defined in MOA Paragraph 58, the Force Investigation Team conducts in-person consultations with the USAO. However, for non-serious use of force incidents, and instances of pointing a firearm, the MPD sought a modified consultation process with the USAO. The USAO had initially agreed to telephone consultations in these cases, but has subsequently declined to incorporate that system. MPD completed a draft protocol based on telephone consultations, and submitted it to DOJ on December 27, 2002.



MPD's Intranet Homepage with new link to "Use of Force Forms."

On December 23, 2002, Captain Matthew Klein met with the Chief of the USAO Transnational/Major Crimes Section, Mr. William Blier, to discuss the issue. Mr. Blier indicated that declinations on such cases would require written submittals. MPD is continuing its negotiations with the USAO on this issue. However, it is noted that consultation delays adversely affect the timely completion of UFIR forms.

Finally, pursuant to Joint Modification No. 1 to the MOA (signed September 30, 2002), MPD had agreed to make an automated version of the Use of Force Incident Report (UFIR) available for officers to fill out online (MOA Paragraph 53). On December 31, 2002, an automated version of the UFIR was placed on the Department's Intranet. The Department Intranet is available to all officers in all districts. The Intranet's homepage "MPDC Inside" now has a link to the automated UFIR that officers can fill out online and print out for supervisor approval. It is noted that the availability of this process will be communicated to Department members during the next quarter.

Communications & Community Outreach

On July 26, 2002, the Metropolitan Police Department Office of Corporate Communications submitted a communications plan to DOJ regarding the Memorandum of Agreement. However, subsequent to that date, new outreach deliverable timelines were agreed upon. A revised communications plan reflecting the new outreach dates was completed and submitted to DOJ on November 1, 2002.

The Metropolitan Police Department Office of Corporate Communications has been the primary generator of MOA-related communications materials and activities. The Command Staff of MPD and the Compliance Monitoring Team have also played an active role in MOA communications activities.

Communication activities have involved both internal and external stakeholders. They have involved sharing information about the MOA, new Department policies and procedures, as well as processes for filing citizen complaints.

Internal Communication Activities

Chief Ramsey has expanded the role of MPD's Command Staff as it relates to internal MOA communication issues. Members of the Command Staff receive MOA updates at Chief Ramsey's bi-monthly Command Staff meetings, and Executive Assistant Police Chief Michael J. Fitzgerald has incorporated MOA updates at his weekly Command-level meeting. Additionally, the MPD Office of Organizational Development (OOD) has entered MOA deliverable items into MPD's new centralized Commitment Tracking System (CTS).

Chief Ramsey has mandated Command-Level attendance at the Department's annual in-service training program...Command-Level officials attend MPD's use-of-force training sessions at the IPS during...40-hour in-service training sessions.

Chief Ramsey has mandated Command-Level attendance at the Department's annual in-service training program. Specifically, Command-Level officials attend MPD's use-of-force training sessions at the Institute of Police Science during

the Department's 40-hour in-service training sessions. Command-Level officials are present and available to answer force-related and MOA-related questions during the use-of-force module. Chief Ramsey has set up a schedule to ensure Command-Level presence for all sessions.

MPD has drafted and DOJ has approved a *Frequently Asked Questions* (FAQ) paper clarifying many of police officers' questions about the MOA. Selected portions of the FAQ were distributed in MPD's internal newsletter, *The Dispatch*, on December 9 and 10, 2002, (copies of the newsletters are submitted with this report). In addition, the FAQ will be distributed as an official Department Circular during the next quarter.

Furthermore, in an effort to communicate information accurately throughout the Department, MPD initiated numerous video-conferenced roll calls throughout the police districts. Specifically, Assistant Chief of Police Shannon Cockett and Inspector Joshua Ederheimer conducted live video-conferenced question & answer sessions with police officers in roll calls during all three tours of duty. These sessions included video-conferenced sessions with multiple Second and Third Watch roll calls on December 4, and December 5, 2002, and First Watch roll calls on December 12, 2002. Representatives from the Office of the Independent Monitor observed several of the sessions, as well as a visiting contingent from the Cincinnati Police Department.

MPD will continually engage in a variety of internal communication activities to keep members informed of MOA activities. An in-depth video, filmed with a script approved by DOJ, will be distributed during the next quarter and will complement an introductory video released during this current quarter. Additionally, a specialized use of force and MOA training course, employing a curriculum to be approved by DOJ, will be offered to all sergeants, lieutenants, captains, and inspectors during the next quarter.

Finally, MPD has enhanced its website as it relates to citizen complaints, use of force, and the MOA. The website enhancements are discussed in the next section.

External Communication Activities

The MPD Office of Corporate Communications has spearheaded MPD's external MOA-related communication activities. Chief Ramsey has kept the MPD Command Staff informed about MOA-related public information materials. An October 31, 2002, memorandum from Chief Ramsey to Command-Level officials shared MPD's public information activities.

MPD has engaged in numerous public information activities during this reporting period. The activities have included a variety of community and media activities, including the distribution of printed materials, news releases, public service announcements, community leader outreach, and the posting of web-based information.

Print Materials Created.

During the month of October, the primary print materials associated with the public information program were updated, approved and printed. Print materials included the following (samples have been provided to DOJ):

- General information brochure – 10,000 copies
- Frequently asked questions flyer – 5,000 copies
- Complaint form (PD 99) – 5,000 copies
- Informational poster – 500 copies

Additional quantities will be printed as needed.

Finally, the basic brochure has now been translated into Spanish, Chinese, Korean and Vietnamese; these translated versions are waiting to be printed by the Reproduction and Copy Center. Once printed, they will be distributed through our Latino and Asian Liaison units, as well as other community resources.

Print Materials Distributed.

Distribution of the print materials began on November 1, 2002. All police districts and other units that have regular, "walk-in" contact with the public at their facilities were notified to pick up bulk quantities of the print materials. (Districts and other large units were provided with an initial quantity of 500 brochures, flyers and complaint forms, plus several posters; smaller units were given slightly lower quantities.) The materials were accompanied by a memorandum from the Chief, articulating the importance of the materials and providing instructions on how to display and disseminate them.

In addition, 100 of the general information brochures are expected to be distributed to each of the 30 DC Public Library branches. Distribution has begun, but will not be completed until the next quarter. In addition, Corporate Communications staff is working with the DC Department of Parks and Recreation on distribution of materials through recreation centers and field houses, to occur during the next two quarters.

Web Section Designed.

As part of the public information campaign, the Office of Corporate Communications has launched a new section on the Department's website devoted to "Citizen Complaints and Use of Force Issues." In addition to providing electronic copies of the printed public education materials (including the PD-99 complaint form), the site includes statistics and links to other information on use of force, as well as progress reports on MOA implementation.

The internet continues to be a valuable and efficient tool in which to inform the public. MPD's website has evolved into a crucial element used both to disseminate and collect information. MPD's deadly force and less lethal force statistics were updated and posted in October 2002 (MOA Paragraph 160). The annual 2002 Force Investigation Annual Report will be posted in the next quarter.

During the week of December 9, 2002, information packets were mailed to approximately 100 community leaders in the District of Columbia. The packets included samples of the new print materials on the citizen complaint process, a form for ordering additional copies of the materials, and a letter from Chief Ramsey encouraging the leaders and their organizations to assist in the dissemination of materials. Corporate Communications will monitor and follow up on the response to this mailing. In addition, once the newly elected Advisory Neighborhood Commissioners are sworn in during the next quarter, packets will be distributed to them as well. Additionally, packets will be distributed to members of the Chief's Citizens Advisory Council. A copy of a Community Leader Outreach packet is submitted with this report.



Revised and updated information and links concerning citizen complaints and use of force issues have been posted on MPD's website.

Public Service Announcements.

Public service announcement scripts for radio and television were drafted and approved. A comprehensive list of community service managers of DC-area radio and television stations was developed.

During the week of December 9, 2002, information packets were mailed to the public affairs managers of approximately 35 television and radio stations in the DC metropolitan area.

During the week of December 9, 2002, information packets were mailed to the public affairs managers of approximately 35 television and radio stations in the DC metropolitan area. The packets included background information on the citizen complaint process, recommended public service announcement (PSA) scripts – in 60-, 30- and 15-second formats – and a letter from Chief Ramsey encouraging the stations to not only use the PSAs, but also devote some of their public service programming to this topic. The MPD Office of Corporate Communications will monitor and follow up on the response to this mailing. In addition, Corporate Communications is working with the Department's Latino affairs liaison to translate these materials into Spanish and approach the area's Spanish

language media with a similar solicitation during the next quarter. Copies of the public service announcement scripts are submitted with this report

Media Announcement.

A formal media announcement of the public information program is planned and will take place early in the next quarter. A news release will be issued to media outlets in the DC area, and it will be posted on the MPDC website.

Receipt of Complaints

The MPD continues to embrace the concept of multiple conduits for citizens to file citizen complaints. In addition to traditional complaint reporting methods, citizens can call a toll free telephone number (800-298-4006), email complaints to oprcompl@mpdc.org, and hearing impaired stakeholders can file complaints via TDD at 202-898-1454. Detailed specific information on how to file a citizen complaint is now available on the MPD website.

Also included on the website are explanations of the MPD and OCCR complaint investigation processes, as well as a link to the Office of Citizen Complaint Review.

Office of Citizen Complaint Review (OCCR)

In the District of Columbia, police complaint procedures involve both the Metropolitan Police Department and the Office of Citizen Complaint Review (OCCR). The District government enacted a law in 1999 establishing the Office of Citizen Complaint Review (OCCR) and the governing Citizen Complaint Review Board (CCRB). The mission of the agency is to investigate, settle and adjudicate complaints of misconduct filed by the public against officers of the Metropolitan Police Department (MPDC) in an independent, fair and timely manner.

In the previous quarter, a Memorandum of Understanding (MOU) was signed by representatives of both agencies on September 28, 2002. The MOU addressed information sharing, training, complaint intake & referral, witness interviews, and other items. However, it was decided that MPD and OCCR will pursue separate communication outreach activities.

Nonetheless, as mentioned earlier, MPD has included information and links to the OCCR on its website, and has included information about the OCCR in its printed materials.

In addition, MPD has maintained open lines of communication with the OCCR. For example, on December 27, 2002, MPD forwarded a draft copy of its *Citizen Complaint General Order* to OCCR for comment. Following a review of their comments, and completing revisions, MPD will resubmit the draft to the DOJ.

Investigations

Use of Force and Police Officer Misconduct investigations fall under the purview of the Office of Professional Responsibility (OPR). Within OPR, there are two primary organizational elements that conduct investigations: The Civil Rights and Force Investigations Division that handles instances of police use of force, and the Office of Internal Affairs that handles allegations of significant alleged police misconduct.

Use of Force

Chief of Police Charles H. Ramsey established the Force Investigation Team in January 1999, the Force Investigation Team has evolved into the new national model for police use of force investigations. The team, which took a business-related perspective to force investigations, has been recognized internationally for its high quality investigations and unique approach to use of force issues.

Previous reports from the Office of the Independent Monitor have indicated that MPD has made significant progress in the area of use of force investigations, and found that the work of FIT appeared to be of high quality.

Previously, investigative protocols were established to comply with the requirements of the Memorandum of Agreement. A copy of the revised Force Investigation Team Organizational Plan and Operations Manual reflecting these protocols was submitted the Department of Justice on February 5, 2002, and to the Independent Monitor on April 8, 2002. On August 12, 2002, the MPD received detailed comments from DOJ regarding the FIT operational manual. MPD submitted a revised draft to DOJ on November 1, 2002.

The revised Organizational plan and Operational Manual now contains protocols that include documenting information related to officer impairment and a supervisory involvement timeline. In addition, the Force Investigation Team has created an USAO Notification Log to document FIT notifications to the U.S. Attorney's Office (MOA Paragraph 54). Finally, new templates reflecting such changes were developed. Specific changes to the FIT Organizational plan and Operational Manual were as follows:

All references to general orders were updated to reflect the Department's new force-related directives. The "Emergency Response Team" section was amended so that officials from that unit are now required to abide by the same regulations that other department officials follow. All use-of-force cases that fall under the purview of the Force Investigation Team will no longer be handled internally by ERT. The terms "Deadly Force Squad" and "Less than Lethal Squad" have been removed in favor of *Force Investigation Teams 1 and 2*. Strikes to the head will continue to be handled by FIT-2. Outdated General Orders have been removed as indices from the manual.

The revised Organizational plan and Operational Manual now contains protocols that include documenting information related to officer impairment and a supervisory involvement timeline.

The term "Use of Force" has been updated to reflect the classification given in new General Order 901.07 (Use of Force). All references to notifications to the United States Attorney's Office have been updated to include, "Notifications shall be made immediately, but in no case later than the next business day." The manual now includes a description in the "conclusions" section of each investigation in which determination of whether alternatives requiring lesser uses of force were reasonably available.

As it relates to Force Investigation Team investigative report templates, the following changes were made:

An "Impairment" section has been added to both the preliminary and final templates to indicate whether the officer was impaired. The "Notifications" section in the preliminary now depicts the time for each notification and a comprehensive list of those on the scene in two separate sections. The preliminary report now includes a detailed description of the injuries observed to the suspect and officer when applicable.

Further, as a result of negotiations between MPD and DOJ, it was agreed that members of the Force Investigation Team will receive formalized training on all new force-related general orders within thirty days of issuance. Accordingly, on November 7, 2002, a training session was held for Force Investigation Team investigators. The training began with a debriefing by Detective Michael Miller of the Major Crash Unit. Detective Miller shared his experiences during a police-involved shooting incident in which he was shot in the chest. Following Detective Miller's courageous briefing, members of the Force Investigation Team read and discussed the Department's newly issued force-related policies and procedures. A representative from the Office of the Independent Monitor was present to observe the session.

The Force Investigation Team also welcomed a new management official. Lieutenant Jacob Kishter was assigned as the commanding officer of Force Investigation Team – II. Lieutenant Kishter reports to the Unit Commanding Officer, Captain Matthew Klein.

Office of Internal Affairs

MPD's Office of Internal Affairs (OIA) had submitted a draft *Office of Internal Affairs Operational Manual* to DOJ on July 26, 2002. DOJ replied with detailed comments on October 17, 2002. MPD submitted a revised draft to DOJ on December 3, 2002. Submitted with the new manual was a detailed matrix reflecting which changes were made to the updated draft manual. The matrix is submitted with this report.

Additionally, the Office of Internal Affairs is responsible for administering the Department's Performance Assessment Management System (PAMS) (also known as the CS System), which is a precursor of the PPMS system. Accordingly, the Acting Assistant Chief of OPR, in conjunction with the OIA, has prepared a teletype to the MPD Command Staff that provides instruction on how and what information must be registered with the PAMS system. The teletype, which is submitted with this report, includes specific instructions about the UFIR form and its internal reporting requirements. It will be distributed during the next quarter.

MOA Paragraph 68 requires the Office of Professional Responsibility to develop a Personnel Allocation Plan for the Office of Internal Affairs. The MPD Office of

...the IMF briefing highlighted the need for MPD to enhance and institutionalize its use of force procedures as they relate to civil disturbance and major demonstration situations.

Professional Responsibility (OPR) submitted the Plan to DOJ on July 31, 2002. The Plan recommended that MPD's Office of Internal Affairs (OIA) add six (6) new agents to accommodate the increased responsibilities conferred on Internal Affairs by the MOA.

DOJ approved the plan on October 17, 2002. Pursuant to MOA Paragraph 78, MPD agreed to assign the recommended personnel to OIA by the end of 2002 to ensure sufficient staffing to investigate criminal misconduct allegations. The Acting Assistant Chief for OPR has advised that as of December 31, 2002, five (5) of the six (6) agent positions remain to be filled. The delay in the transfer of personnel is due, in part, to the recent increase in violent crime in the District and the Department's efforts to balance the need for qualified investigators in both OPR and in the Violent Crimes and Homicide Investigations Sections. OPR has received applications from five (5) qualified applicants that are being recommended to fill the vacancies. The Acting Assistant Chief of OPR will be meeting with Chief Ramsey on this issue during the next quarter to discuss this issue. DOJ was notified in writing of this situation on December 31, 2002.

It is noted that the Office of the Independent Monitor has been reviewing both FIT and OIA investigative reports. The OIM has been reviewing closed investigations.

Finally, on November 22, 2002, the Office of Professional Responsibility arranged briefings for the Office of the Independent Monitor concerning the widely reported

Mobile Digital Terminal instant-message misconduct investigation, as well as force-related issues associated with recent International Monetary Fund/World Bank demonstrations in the District of Columbia. The briefings, held at the request of the OIM, were conducted by Inspector Stanley Wigenton and Assistant Chief Alfred Broadbent, respectively.

It is noted that the IMF briefing highlighted the need for MPD to enhance and institutionalize its use of force procedures as they relate to civil disturbance and major demonstration situations. Accordingly, a draft Civil Disturbance Use of Force Reporting and Investigation protocol has been created, and is currently being staffed for comment within the MPD Special Operations Division. Once the draft is ready, it will be submitted to the DOJ.

Police Canine Teams

On May 4, 2000 the Metropolitan Police Department implemented an interim canine policy and began the initiation of significant improvements in its canine operations. The Department of Justice acknowledged these improvements in Paragraph 44 of the Memorandum of Agreement. DOJ approved MPD's Canine Teams General Order, and that policy was implemented in October 2002.

...the MPD realized that a comprehensive Canine Operations Manual needed to be developed. A draft of the manual, which institutionalizes almost all MPD canine issues into one document, was completed and submitted to DOJ

However, as a result of the MOA, the Metropolitan Police Department realized that a comprehensive *Canine Operations Manual* needed to be developed. A draft of the manual, which institutionalizes almost all MPD canine issues into one document, was completed and submitted to DOJ on November 27, 2002. The manual includes items such as an executive summary, a mission statement, a vision statement, a canine organization chart, related definitions, canine operation procedures, handler physical ability tests, instructor certification information, canine certification training and testing, and canine medical care. A copy of the draft manual is submitted with this report.

MPD is pleased with the progress of the implementation of the new Canine Teams General Order, and is extremely satisfied with the creation of the new Canine Operations Manual. However, a canine-related operational issue has arisen as it relates to the duty status of Canine Handlers following a canine bite. MPD has asked DOJ to approve modification of General Order 901.11, Force Related Duty Status, as it applies to MPD Canine Handlers.

Currently, in accordance with the above general order, MPD Canine Handlers are placed on Administrative Leave with Pay for three business days following a canine bite incident. However, MPD has raised operational concerns on this issue because it removes MPD's limited canine services for several days.

On November 17, 2002, MPD contacted DOJ and advised them of its concerns. DOJ responded on November 21, 2002, and proposed the following language:

"In the rare circumstance where the Canine Unit would be unable to deploy the minimum number of Canine Teams, and no other reasonable alternative exists, the Special Operations Commanding Officer may approve the use of a Canine Team on Administrative Leave (G.O. 901.11). The Commanding Officer's approval must be given in advance of the deployment, must be in writing, and must detail the circumstances that necessitated the action. A copy of the approval must be sent to the DOJ and Monitor by the next business day."

However, the Metropolitan Police Department still maintains concerns on this issue. On December 17, 2002, MPD forwarded a written request to DOJ to modify the language in the Force Related Duty Status General Order for Canine Handlers. MPD explained various operational reasons for the requested change. MPD proposed the following language:

"Immediately following the deployment of a MPD Police Canine, the Element Commander or Director (or highest ranking official on the scene from the involved officer's element), shall cause the Canine Handler to be relieved from his or her normal policing responsibilities for the remainder of their tour of duty. The Canine Handler shall return to full duty for their next scheduled tour of duty, unless otherwise directed by a manager assigned to the Office of Professional Responsibility or the Special Operations Division."

MPD recognizes that it is important to conduct a comprehensive review of a canine bite, to include a proper preliminary assessment. Accordingly, MPD still wants to place Canine Handlers on Administrative Leave, but for a shorter period of time. A copy of the December 17, 2002, letter is submitted with this report. It is anticipated that there will be agreement on this issue during the next reporting period.

T r a i n i n g

Training and education are key aspects of the Metropolitan Police Department's Use of Force management. The Metropolitan Police Department Institute of Police Science (IPS) has instituted many reforms concerning Use of Force issues. Accordingly, the IPS is tasked with the responsibility to train members of the Department on the reengineered policies (MOA Paragraphs 84 and 129).

...the IPS initiated its 40-hour Annual In-Service Training Program...The training modules, which were approved by DOJ, include several modules on use of force issues and the MOA

In order to accomplish this mission, the IPS initiated its 40-hour Annual In-Service Training Program on October 7, 2002. The training modules, which were approved by DOJ, include several modules on use of force issues and the Memorandum of Agreement. To emphasize the importance of use of force issues and the MOA, Chief Ramsey mandated Command-level attendance at the training during the use of force modules. Command-level officials are present and available to answer force-related and MOA-related questions.

During this quarter, representatives from the Office of the Independent Monitor evaluated the use of force training sessions conducted during the In-Service Training Program. The OIM identified significant training shortfalls, and immediately brought the problems to the attention of MPD and DOJ. MPD engaged in intervening action to improve the training, and a subsequent evaluation of the In-Service Training Program by the OIM revealed a major improvement in the quality of the training. The OIM, MPD, and DOJ will continue to monitor the training to ensure high levels of training quality.

The IPS had previously created a Lesson Plan Review Team (LPRT) to develop and update various MOA-related IPS lesson plans. The review team consists of Assistant Chief Shannon Cockett, IPS; Lieutenant David Kamperin, IPS; Lieutenant Nicholas Mudrezow, IPS; and MPD General Counsel Terry Ryan. Laurie Samuel represented the Compliance Monitoring Team.

Pursuant to MOA Paragraph 119, MPD submitted eleven (11) lesson plans that comprise its use of force curriculum to DOJ on July 24, 2002. The following lesson plans were submitted:

- ASP Tactical Baton Training Program
- Close Quarter Combat
- Controlled F.O.R.C.E.
- Ground Fighting
- Handcuffing
- Krava/Maga
- OC Spray
- Officer Street Survival
- Pistol Qualification
- Use of Force Continuum
- Verbal Judo

Additionally, during the previous reporting period, IPS completed fifteen (16) lesson plans for in-service training. The following lesson plans were created and forwarded to DOJ:

- Administrative Misconduct Investigation Policy & Procedures using the Preponderance of Evidence Standard
- Arrest, Custody, and Restraint Procedures
- Bias-related Hate Crimes
- Canine Policies and Procedures
- Command Accountability
- Communication and Interpersonal Relationship Skills
- Crime Scene Preservation
- Cultural Diversity and Sensitivity Awareness
- Defensive Tactics
- Ethics, Integrity, and Professionalism
- Interview and Interrogation
- Theories of Motivation and Leadership
- Use of Force and Use of Force Continuum (with manual)
- Use of Force Incident Report Form
- Use of Force Review Board
- Verbal Judo Recertification

On November 25, 2002, DOJ forwarded detailed comments on both the In-Service Lesson Plans and on MPD's Use of Force Lesson Plans on November 25, 2002. On November 25, 2002, DOJ approved the following lesson plans:

- Authentic Leadership
- Command Accountability and Responsibility
- Ethics, Integrity, and Professionalism
- Supervisor and Employee Communication and Interpersonal Relationship Skills
- Verbal Judo

MPD is continuing to revise the other lesson plans based on DOJ's comments and plans to submit the revised lesson plans during the next quarter.

MOA Paragraph 132b mandates the videotaping of students' role-play exercises during Firearms Training. MPD provided DOJ with a status report on October 4, 2002. At that time, MPD was unable to begin videotaping due to the delivery of incorrect equipment to the Institute of Police Science (IPS). MPD is pleased to report that the issue was corrected during this quarter, and MPD began videotaping students during role-plays during the week of November 4, 2002.

In reference to MPD's Instructor Certification Program (MOA Paragraphs 136 and 137), MPD's Institute of Police Science has advised DOJ that in lieu of contracting with a new

vendor, they have evaluated and selected the State of Maryland Police and Corrections Training Commission Enhanced Instructor Certification Course as the means for complying with these paragraphs. IPS feels that there are a number of benefits in selecting this program. Certification is offered monthly, allowing MPD instructors to be certified in a timely fashion. MPD also anticipates a cost-savings by using Maryland's program as MPD will pay on a per-student basis.

Field Training Officer Program

The Metropolitan Police Department submitted a draft *Enhanced Field Training Officer Program* protocol to DOJ on December 6, 2002 (paragraph 121f). The IPS has revised the Department's Field Training Program in several ways. IPS has taken into consideration and accepted the detailed comments offered by DOJ. The Director of the Training and Standards Board, Dr. Joan Weiss, has prepared a model selection procedure for Master Patrol Officers (they are the primary Field Training Officers (FTO)). IPS has also added a checklist as a means of field training documentation because MPD believes that it is a best practice to ensure that the Probationary Police Officer (PPO) receives the specified training in each week and cycle of the Field Training Program.

In addition, IPS staff members have reviewed the new Police Executive Research Forum (PERF) model that is centered on a Problem Based Learning approach. Much of the program deals with "community learning" that is similar to what MPD calls "Policing for Prevention." The PERF model adds two community- learning problems to each phase of the field training. The Probationary Police Officer and Field Training Officer select the community learning problems and work on them in addition to the normal field training. The Probationary Police Officer submits the remedies to each community- learning problem at the end of the phase and the FTO evaluates the PPO's plan and uses the evaluation as a part of measuring the Probationary Officer's progress. MPD reserves the right to add community-learning problems to each phase of the Field Training Program. IPS staff must work further with Policing for Prevention staff to make this happen and will resubmit any changes to Department of Justice for approval.

The MOA requires the MPD to enhance its performance evaluation system to ensure that annual performance measures include civil rights integrity, community policing efforts, and adherence to established laws

Performance Evaluation System

The Memorandum of Agreement requires the Metropolitan Police Department to enhance its performance evaluation system to ensure that annual performance measures include civil rights integrity, community-policing efforts, and adherence to established laws (MOA Paragraph 118). The Metropolitan Police Department submitted a draft *Enhanced Performance Evaluation System* protocol to DOJ on November 8, 2002.

The new draft performance requirements include the provisions mentioned above. The changes include modifications to both the Performance Management System (PMS) for sergeants and below, as well as the Performance Management Program (PMP) for Lieutenants and above. A copy of the enhanced performance evaluation system is submitted with this report.

Personnel Performance Management System

The Metropolitan Police Department and the District of Columbia have committed to develop and fully implement a computerized relational database for maintaining, integrating, and retrieving data necessary for supervision and management of the Police Department and its personnel. The system has been designated the *Personnel Performance Management System (PPMS)*. The computerized data compiled as part of the PPMS will be used regularly and affirmatively by the Metropolitan Police Department to promote civil rights integrity and best professional police practices.

The Metropolitan Police Department has previously been awarded a \$500,000.00 grant from DOJ's Community Oriented Policing Services (COPS) Office. The grant (award #2001CKWXK090), will be used to partially fund the new system.

It is noted that during the previous quarter, the Metropolitan Police Department and U.S. Department of Justice negotiated new deliverable timelines and agreed to a modification of the MOA. The only remaining timeline issues concern the PPMS. Representatives from the CMT met with DOJ Attorneys and discussed PPMS-related issues on November 26, 2002. At that meeting, MPD provided DOJ with a status report on PPMS-related efforts. In addition, MPD agreed to submit a proposed plan for the creation of the draft PPMS written protocol while efforts to develop the actual PPMS system progressed. The proposed plan was submitted on December 13, 2002 (a copy of the plan is submitted with this report).

MPD agreed to submit a proposed plan for the creation of the draft PPMS written protocol while efforts to develop the actual PPMS system progressed.

Moreover, on December 30, 2002, MPD forwarded to DOJ its proposed plan for the development and implementation of PPMS. MPD has elected to have an existing in-house contractor, the Institute for Law and Justice (ILJ), oversee the development of the PPMS. ILJ is also working on the development of MPD's Automated Field Reporting System (AFRS) and Records Management System (RMS). MPD submitted to DOJ its PPMS Technical Documentation, the Estimated PPMS 2003 Budget, and a PPMS Proposed Project Plan with Deliverable Dates.

The PPMS Technical Documentation details information about the planned development of PPMS. PPMS will be delivered over the Department's Intranet ensuring that all

authorized personnel can access appropriate information regarding member performance. The Technical Documentation also provides a detailed description of the planned PPMS Site Design as well as descriptions and diagrams of the planned PPMS Object Model and Database Design. Further, MPD agreed to continue to explore the feasibility of existing Commercial Off the Shelf (COTS) solutions that might meet the needs of MPD as well as the requirements of the MOA. Accordingly, members of the PPMS Selection Committee plan to meet with representatives of companies that offer such solutions, where applicable.

Finally, pursuant to the joint MOA modification, an automated version of the Use of Force Incident Report (UFIR) was placed on the Department's Intranet. The Department Intranet is available to all officers in all districts. The Intranet's homepage "MPDC Inside" now has a link to the automated UFIR that police officers can complete online and print out for supervisor approval. It is noted that the availability of this process will be communicated to Department members during the next quarter.

Performance Assessment Management System (PAMS)

The MPD realizes that the creation and implementation of the PPMS is not complete. MPD desired to implement PPMS-related reforms prior to the implementation of the computerized system. Accordingly, as an interim solution, the MPD is continuing to enhance its current computerized personnel monitoring system. MPD does not represent the PAMS system as a stand-in for the PPMS system requirement. MPD requested that DOJ review the draft Performance Assessment Management System Special Order so that MPD could better prepare for future PPMS needs. DOJ provided MPD with comments, and it is anticipated that the PAMS Special Order will be implemented in the next reporting period.

Department of Justice

Since the creation of the Compliance Monitoring Team in February 2002, there has been interaction between the Metropolitan Police Department and the Department of Justice. Notwithstanding telephone calls and electronic messages, there have been numerous other contacts between the two Departments in order to continue established dialogue between the agencies.

During this reporting period, representatives from MPD and DOJ met at the monthly "all-hands" meeting held at the Office of the Independent Monitor. Additionally, several meetings were held in which new deliverable timelines were discussed as they relate to the PPMS.

The level of cooperation between the MPD and DOJ remains high. MPD is extremely pleased with the relationship that exists with the U.S. Department of Justice. In order to maintain communication, MPD and DOJ have established regularly scheduled monthly meetings to discuss MOA activities. The meetings are held on the third Thursday of every month. The Metropolitan Police Department continues its partnership with the Department of Justice to jointly complete the requirements of this Memorandum of Agreement.

F r a t e r n a l O r d e r o f P o l i c e

The Fraternal Order of Police (FOP) is the Labor Union for all police officers, technicians, detectives, and sergeants on the Metropolitan Police Department. The Metropolitan Police Department recognizes the importance and value of including them in Memorandum of Agreement endeavors.

However, the relationship between MPD and the FOP has been difficult. Despite MPD efforts to include the FOP on the Compliance Monitoring Team, the FOP has declined to participate. On March 7, 2002, the Fraternal Order of Police filed an Unfair Labor Practice (ULP) Complaint against the Metropolitan Police Department with the District of Columbia Public Employees Relations Board. The Labor Union cited alleged changes in terms and conditions of employment relating to the Memorandum of Agreement as the reason for the filing.

...to
accommodate an
FOP request, MPD
delayed the
submittal of the
Department's
draft Disciplinary
policy to DOJ.

On Tuesday, September 24, 2002, a hearing was held at the Public Employee Relations Board regarding the FOP's complaint. At the hearing, witnesses testified and documents were submitted by both the Fraternal Order of Police and the Metropolitan Police Department. No decision has been made by the Public Employee Relations Board as of the date of publication of this report.

The FOP remains concerned about various provisions of the MOA. The FOP distributed a flyer dated October 31, 2002 concerning the Memorandum of Agreement. One side of the flyer included a letter to Inspector Joshua Ederheimer raising objections to MPD's October 2002 MOA Progress Report. The other side of the flyer is entitled "Hot Sheet," and provides information about the UFIR and use of force investigations.

In addition, at the request of the FOP, the Metropolitan Police Department provided FOP representatives with a demonstration of the PAMS system on October 9, 2002. Further, to accommodate an FOP request, MPD delayed the submittal of the Department's draft Disciplinary policy to DOJ.

MPD still welcomes participation by the Fraternal Order of Police on the implementation of the Memorandum of Agreement and the Compliance Monitoring Team. It is noted that labor contract negotiations between the Metropolitan Police Department and the Fraternal Order of Police will likely begin during the next quarter, and a representative from the CMT will be on the negotiating team to provide information about the MOA.

I n d e p e n d e n t M o n i t o r

The Memorandum of Agreement requires that the Metropolitan Police Department and the Department of Justice jointly select an Independent Monitor who will review, report, and assist on matters related to the Agreement's implementation (MOA Paragraph 161). On March 28, 2002, the Metropolitan Police Department and the law firm of Fried, Frank, Harris, Shriver & Jacobson jointly announced that Michael R. Bromwich had been selected as the Independent Monitor. Mr. Bromwich is a partner at the firm, and is head of the internal investigations, compliance and monitoring practice group there.

The Independent Monitor completes and disseminates quarterly progress reports regarding MPD's Memorandum of Agreement compliance efforts. The next report is scheduled to be completed later this month. A copy of the report, along with past reports, are available at the Independent Monitor's website at www.policemonitor.org.

The Compliance Monitoring Team engaged in a myriad of activities to assist representatives from the Office of the Independent Monitor in gathering information for their report.

The Independent Monitor continues to host monthly "all-hands" meetings in which all MOA stakeholders meet, to include the Chief of Police, DOJ, the Office of Citizen Complaint Review, Office of the Corporation Counsel, and the Compliance Monitoring Team among others. These meetings occur on the first Monday of each month.

Moreover, the Compliance Monitoring Team also meets with representatives from the OIM on the third Monday of each month to informally discuss MPD's MOA-related activities. Additionally, the Compliance Monitoring Team has been assisting the OIM by facilitating document and meeting requests throughout the agency.

During this reporting period, the Compliance Monitoring Team has been assisting the Independent Monitor to facilitate compliance activities including:

- Auditing pistol requalification courses
- Auditing use of force recertification records

- Auditing in-service training courses
- Reviewing accuracy of PAMS data
- Reviewing chain of command investigations
- Reviewing Office of Internal Affairs investigations
- Reviewing FIT-II investigations
- Reviewing accuracy of the Canine Unit's data
- Tracking the development of new policies

Further, the OIM met with representatives from the City of Cincinnati to discuss best-practice MOA implementation and monitoring practices.

In addition, the OIM hosted a meeting at the end of December asking the Metropolitan Police Department to provide feedback regarding its monitoring activities. MPD is extremely satisfied with the comprehensive, high-quality monitoring efforts by the Office of the Independent Monitor. The Metropolitan Police Department is looking forward to a continued positive working relationship with the OIM.

Finally, the Compliance Monitoring Team continues to closely monitor MPD's costs associated with the Office of the Independent Monitor. With the assistance of the D.C. Office of Contracting and Procurement and MPD's Accounts Payable office, the CMT continues to actively review OIM invoices to control costs and ensure accountability.

Other Activities

The Metropolitan Police Department recognizes its responsibility to share as much information as possible in the most efficient manner to Memorandum of Agreement stakeholders such as the Department of Justice and the Independent Monitor. The MPD will continue to engage in activities that places itself on the forefront of law enforcement civil rights activities.

Compliance Monitoring Team Member Recognized

Compliance Monitoring Team member A. Franklin Anderson was named the Metropolitan Police Department's Civilian Employee of the Year. In his role as a Senior Management Analyst with the Office of Organizational Development, Mr. Anderson has been an unsung hero in achieving MPD's MOA-related commitments. Mr. Anderson has been prolific in reengineering MPD's seminal Use of Force related general orders in a very short period of time, and continues to develop new MOA-related deliverables. Mr. Anderson received his award at the Metropolitan Police Department's Annual Awards Ceremony held in Constitution Hall on November 14, 2002. Congratulations to Mr. Anderson for this outstanding achievement.

Visit by Representatives from the City of Cincinnati, Ohio

On December 12 and 13th, 2002, representatives from the City of Cincinnati, Ohio, visited the Metropolitan Police Department and the MPD Compliance Monitoring Team to learn how MPD is implementing its Memorandum of Agreement. Cincinnati recently signed a Memorandum of Agreement with the U.S. Department of Justice, and was seeking to observe best practices as it relates to MOA implementation. The representatives included Cincinnati City Solicitor Ms. Rita McNeil, Mr. Gregg Baker (Cincinnati's internal MOA compliance coordinator), and Lieutenant David Bailey of the Cincinnati Police Department.



Pictured L to R: Billy Martin, Attorney for Cincinnati Police Department (CPD); Gregg Baker, CPD Compliance Coordinator, Lt. David Bailey, CPD; Inspector Joshua Ederheimer, MPD CMT.)

The visitors engaged in numerous activities that were facilitated and hosted by the Metropolitan Police Department. They observed MOA-related video-conferenced roll-call sessions, met with representatives of the Compliance Monitoring Team, met with representatives with the D.C. Office of Contracting and Procurement, interviewed managers of the MPD Force Investigation Team, met with MPD and District of Columbia attorneys, and met with Independent Monitor Michael Bromwich and OIM attorney Jonathan Aronie. The Metropolitan Police Department is looking forward to assisting any other cities seeking MOA-related best practice information.

Benchmarking Visit

In an effort to focus on high quality and emphasize adherence to systematic procedures, members of the Civil Rights and Force Investigations Division (CRFID) engaged in a benchmarking visit to the Herr's Snack Food Company in Nottingham, Pennsylvania. Specifically, on October 23, 2002, members of the CRFID met with Herr's Vice-President James Herr, who shared his perspectives on leadership, quality, vision, strategic planning, and adherence to systems.



Following Mr. Herr's presentation, members of the CRFID participated in a factory tour to observe snack food production processes. The perspectives offered by Mr. Herr, coupled with observations of the factory's systems, provided members of the CRFID the opportunity to focus these ideas to their work at the Metropolitan Police Department.



Members of the Civil Rights & Force Investigations
Division at the Herr's Factory in Nottingham, PA.

The Metropolitan Police Department is committed to completing the balance of reforms contained in the Memorandum of Agreement. We are pleased with the significant progress that has already been made. The Metropolitan Police Department is confident that it is well on its way to becoming the national model on how to uphold the rule of law while using force only when and to the extent necessary.

Attachments

- MPD-DOJ Memorandum of Agreement Completion Matrix Report, December 31, 2002
- Plan to Limit Officer Work Hours, MOA Paragraph 159, November 27, 2002
- Plan to Complete PPMS Protocol, MOA Paragraph 111, December 13, 2002
- Letter from MPD to DOJ regarding status of Discipline General Order, MOA Paragraph 105, November 22, 2002
- Letter from MPD to DOJ regarding proposed revisions to Use of Force Incident Report (UFIR), MOA Paragraph 53, November 20, 2002
- Proposed Revised UFIR and UFIR Supplement, MOA Paragraph 53, November 20, 2002
- Dispatch article, UFIR Frequently Asked Questions (FAQ), MOA Paragraph 53, December 9, 2002
- Dispatch article, UFIR Frequently Asked Questions (FAQ), MOA Paragraph 53, December 10, 2002
- OIA Manual DOJ Response Matrix, December 3, 2002
- Canine Operations Manual, MOA Paragraph 148, November 27, 2002
- Letter from MPD to DOJ regarding amending the Force Related Duty Status General Order for canine exception, December 17, 2002
- Draft Teletype TT01-036-03, Complaint System Procedures
- Community Leader Outreach Packet (available in hard copy)
- Plan to Enhance the Performance Evaluation System, MOA Paragraph 118, November 8, 2002 (available in hard copy)